

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 135

HOUSE BILL 2370

AN ACT

AMENDING SECTIONS 48-261, 48-262, 48-263, 48-265, 48-266 AND 48-805, ARIZONA
REVISED STATUTES; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-261, Arizona Revised Statutes, is amended to
3 read:

4 48-261. District creation; procedures; notice; hearing;
5 determinations; petitions

6 A. A fire district, community park maintenance district, sanitary
7 district or hospital district for either a hospital or AN urgent care center
8 shall be created by the following procedures:

9 1. Any person desiring to propose creation of a district shall prepare
10 and submit a district impact statement to the board of supervisors of the
11 county in which the district is to be located. If a proposed district is
12 located in more than one county, the impact statement shall be submitted to
13 the board of supervisors of the county in which the majority of the assessed
14 valuation of the proposed district is located. The boards of supervisors of
15 any other counties in which a portion of the district is to be located shall
16 provide information and assistance to the responsible board of
17 supervisors. If the person desiring to create a district pursuant to this
18 section is unable to complete the district impact statement, the board of
19 supervisors may assist in the completion of the impact statement if requested
20 to do so, provided the bond required in subsection C of this section is in
21 an amount sufficient to cover any additional cost to the county. The
22 district impact statement shall contain at least the following information:

23 (a) A LEGAL description of the boundaries of the proposed district and
24 a detailed, accurate map of the area to be included in the district.

25 (b) An estimate of the assessed valuation within the proposed
26 district.

27 (c) An estimate of the change in the property tax liability, as a
28 result of the proposed district, of a typical resident of the proposed
29 district.

30 (d) A list and explanation of benefits that will result from the
31 proposed district.

32 (e) A list and explanation of the injuries that will result from the
33 proposed district.

34 (f) The names, addresses and occupations of the proposed members of
35 the district's organizing board of directors.

36 2. On receipt of the district impact statement, the board of
37 supervisors shall set a day, not fewer than thirty nor more than sixty days
38 from that date, for a hearing on the impact statement. The board of
39 supervisors may, at any time prior to making a determination pursuant to
40 paragraph 4 of this subsection, require that the impact statement be amended
41 to include any information that the board of supervisors deems to be relevant
42 and necessary.

43 3. Upon receipt of the district impact statement, the clerk of the
44 board of supervisors shall mail, by first class mail, written notice of the
45 statement, its purpose and notice of the day, hour and place of the hearing

1 on the proposed district to each owner of taxable property and each qualified
2 elector within the boundaries of the proposed district. The clerk of the
3 board of supervisors shall post the notice in at least three conspicuous
4 public places in the area of the proposed district and shall publish twice
5 in a daily newspaper of general circulation in the area of the proposed
6 district, at least ten days before the hearing, or, if no daily newspaper of
7 general circulation exists in the area of the proposed district, then at
8 least twice at any time before the date of the hearing, a notice setting
9 forth the purpose of the impact statement, the description of the area of the
10 proposed district and the day, hour and place of the hearing.

11 4. At the hearing called pursuant to paragraph 2 of this subsection,
12 the board of supervisors shall hear those who appear for and against the
13 proposed district and shall determine whether the creation of the district
14 will promote public health, comfort, convenience, necessity or welfare. If
15 the board of supervisors determines that the public health, comfort,
16 convenience, necessity or welfare will be promoted, it shall approve the
17 district impact statement and authorize the persons proposing the district
18 to circulate petitions as provided in this subsection. The order of the
19 board of supervisors shall be final, but if the request to circulate
20 petitions is denied, a subsequent request for a similar district may be
21 refiled with the board of supervisors after six months from the date of such
22 denial.

23 5. WITHIN FIFTEEN DAYS AFTER RECEIVING THE APPROVAL OF THE BOARD OF
24 SUPERVISORS AS PRESCRIBED BY PARAGRAPH 4 OF THIS SUBSECTION, THE CLERK OF THE
25 BOARD SHALL DETERMINE THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR
26 COMPLIANCE WITH PARAGRAPH 7, SUBDIVISION (d) OF THIS SUBSECTION. AFTER
27 MAKING THAT DETERMINATION, THAT NUMBER OF SIGNATURES SHALL REMAIN FIXED,
28 NOTWITHSTANDING ANY SUBSEQUENT CHANGES IN VOTER REGISTRATION RECORDS.

29 ~~5.~~ 6. After receiving the approval of the board of supervisors as
30 provided in paragraph 4 of this subsection, the person proposing the district
31 may circulate and present petitions to the board of supervisors of the county
32 in which the district is located. ALL PETITIONS CIRCULATED SHALL BE RETURNED
33 TO THE BOARD OF SUPERVISORS WITHIN ONE YEAR FROM THE DATE OF THE APPROVAL OF
34 THE BOARD OF SUPERVISORS PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. ANY
35 PETITION THAT IS RETURNED MORE THAN ONE YEAR FROM THAT DATE IS VOID.

36 ~~6.~~ 7. The petitions presented pursuant to paragraph ~~5~~ 6 of this
37 subsection shall comply with the provisions regarding petition form in
38 section 48-265 and verification in section 48-266 and shall:

39 (a) At all times, contain a LEGAL description of the boundaries of the
40 proposed district and a detailed, accurate map of the proposed district and
41 the names, addresses and occupations of the proposed members of the
42 district's organizing board of directors. No alteration of the proposed
43 district shall be made after receiving the approval of the board of
44 supervisors as provided in paragraph 4 of this subsection.

1 (b) If a petition of property owners, be signed by more than one-half
2 of the property owners in the area of the proposed district.

3 (c) If a petition of property owners, be signed by persons owning
4 collectively more than one-half of the assessed valuation of the property in
5 the area of the proposed district.

6 (d) If a petition of qualified electors, be signed by more than
7 one-half of the qualified electors within the boundaries of the proposed
8 district.

9 ~~7-~~ 8. On receipt of the petitions, the board of supervisors shall set
10 a day, not fewer than ten nor more than thirty days from that date, for a
11 hearing on the petition.

12 ~~8-~~ 9. Prior to the hearing called pursuant to paragraph ~~7-~~ 8 of this
13 subsection, the board of supervisors shall determine the validity of the
14 petitions presented.

15 ~~9-~~ 10. At the hearing called pursuant to paragraph ~~7-~~ 8 of this
16 subsection, the board of supervisors shall, if the petitions are valid, SHALL
17 order the creation of the district. The board of supervisors shall enter its
18 order setting forth its determination in the minutes of the meeting, not
19 later than ten days from the day of the hearing, and a copy of the order
20 shall be filed in the county recorder's office. The order of the board of
21 supervisors shall be final, and the proposed district shall be created thirty
22 days after the board of supervisors votes to create the district. A decision
23 of the board of supervisors under this subsection is subject to judicial
24 review under title 12, chapter 7, article 6.

25 8. For the purpose of determining the validity of the petitions
26 presented pursuant to subsection A, paragraph ~~5-~~ 6 of this section:

27 1. Qualified electors shall be those persons qualified to vote
28 pursuant to title 16.

29 2. For the purposes of fulfilling the requirements of subsection A,
30 paragraph ~~6-~~ 7, subdivisions (b) and (c) of this section, property held in
31 multiple ownership shall be treated as if it had only one property owner, so
32 that the signature of only one of the owners of property held in multiple
33 ownership is required on the formation petition.

34 3. The value of property shall be determined as follows:

35 (a) In the case of property assessed by the county assessor, values
36 shall be the same as those shown on the last assessment roll of the county
37 containing such property.

38 (b) In the case of property valued by the department of revenue, the
39 values shall be those determined by the department in the manner provided by
40 law, for municipal assessment purposes. The county assessor and the
41 department of revenue, respectively, shall furnish to the board of
42 supervisors, within twenty days after such a request, a statement in writing
43 showing the owner, the address of each owner and the appraisal or assessment
44 value of properties contained within the boundaries of the proposed district
45 as described in subsection A of this section.

1 C. The board of supervisors may require of the person desiring to
2 propose creation of a district pursuant to subsection A, paragraph 1 of this
3 section a reasonable bond to be filed with the board at the start of
4 proceedings under this section. The bond shall be in an amount sufficient
5 to cover costs incurred by the county if the district is not finally
6 organized. County costs covered by the bond include any expense incurred
7 from completion of the district impact statement, mailing of the notice of
8 hearing to district property owners and electors, publication of the notice
9 of hearing and other expenses reasonably incurred as a result of any
10 requirements of this section. The requirements of this subsection do not
11 apply to proposed districts having fewer than one hundred qualified electors.

12 D. If a district is created pursuant to this section, the cost of
13 publication of the notice of hearing, the mailing of notices to electors and
14 property owners and all other costs incurred by the county as a result of the
15 provisions of this section shall be a charge against the district.

16 E. If a proposed district would include property located within an
17 incorporated city or town, in addition to the other requirements of
18 subsection A of this section, the board shall approve the creation and
19 authorize the circulation of petitions only if the governing body of the city
20 or town has by ordinance or resolution endorsed such creation.

21 F. Except as provided in section 48-2001, subsection A, the area of
22 a district created pursuant to this section shall be contiguous.

23 G. A district organized pursuant to this section shall have an
24 organizing board of directors to administer the affairs of the district until
25 a duly constituted board of directors is elected as provided in this
26 title. The organizing board shall have all the powers, duties and
27 responsibilities of an elected board. The organizing board shall consist of
28 the three individuals named in the district impact statement and the
29 petitions presented pursuant to subsection A of this section. If a vacancy
30 occurs on the organizing board, the remaining board members shall fill the
31 vacancy by appointing an interim member. Members of the organizing board
32 shall serve without compensation but may be reimbursed for actual expenses
33 incurred in performing their duties. The organizing board shall elect from
34 its members a chairman and a clerk.

35 H. For THE purposes of this section:

36 1. ~~"Assessed valuation"~~ does not include the assessed valuation of
37 property that is owned by a county.

38 2. ~~"Property owner"~~ does not include a county.

39 Sec. 2. Section 48-262, Arizona Revised Statutes, is amended to read:

40 48-262. District boundary changes; procedures; notice; hearing;
41 determinations; petitions

42 A. Except as prescribed by subsection H of this section, a fire
43 district, community park maintenance district or sanitary district shall
44 change its boundaries by the following procedures:

1 1. Any person desiring to propose any change to the boundaries of a
2 district shall prepare and submit a boundary change impact statement to the
3 governing body of the district. The boundary change impact statement shall
4 contain at least the following information:

5 (a) A LEGAL description of the boundaries of the area to be included
6 within the proposed change and a detailed, accurate map of the area. THE
7 BOUNDARIES OF THE PROPOSED CHANGE SHALL NOT OVERLAP WITH THE BOUNDARIES OF
8 ANY OTHER PROPOSED NEW DISTRICT OF THE SAME TYPE OR ANY ANNEXATION BY A
9 DISTRICT OF THE SAME TYPE FOR WHICH PETITIONS ARE BEING CIRCULATED ON THE
10 DATE THAT THE BOUNDARY CHANGE IMPACT STATEMENT IS FILED WITH THE GOVERNING
11 BODY.

12 (b) An estimate of the assessed valuation within the boundaries of the
13 proposed change.

14 (c) An estimate of the change in the tax rate of the district if the
15 proposed change is made.

16 (d) An estimate of the change in the property tax liability, as a
17 result of the proposed change, of a typical resident of a portion of the
18 district, not in the area of the proposed change, before and after the
19 proposed change and of a typical resident of the area of the proposed change.

20 (e) A list and explanation of benefits that will result from the
21 proposed change to the residents of the area and of the remainder of the
22 district.

23 (f) A list and explanation of the injuries that will result from the
24 proposed change to residents of the area and of the remainder of the
25 district.

26 2. On receipt of the boundary change impact statement, the governing
27 body shall set a day, not fewer than twenty nor more than thirty days from
28 that date, for a hearing on the boundary change impact statement. The board
29 of supervisors may at any time prior to making a determination pursuant to
30 paragraph 5 of this subsection require that the impact statement be amended
31 to include any information that the board of supervisors deems to be relevant
32 and necessary.

33 3. Upon receipt of the boundary change impact statement, the clerk of
34 the governing body shall mail, by first class mail, written notice of the
35 statement, its purpose and notice of the day, hour and place of the hearing
36 on the proposed change to each owner of taxable property and each qualified
37 elector within the boundaries of the proposed change. The clerk of the
38 governing body shall post the notice in at least three conspicuous public
39 places in the area of the proposed change and also publish twice in a daily
40 newspaper of general circulation in the area of the proposed change, at least
41 ten days before the hearing, or if no daily newspaper of general circulation
42 exists in the area of the proposed change, then at least twice at any time
43 before the date of the hearing, a notice setting forth the purpose of the
44 impact statement, the description of the boundaries of the proposed change
45 and the day, hour and place of the hearing.

1 4. Upon receipt of the boundary change impact statement the clerk
2 shall also mail notice, as provided in paragraph 3 of this subsection, to the
3 chairman of the board of supervisors of the county in which the district is
4 located. The chairman of the board of supervisors shall order a review of
5 the proposed change and may submit written comments to the governing body of
6 the district within ten days of receipt of the notice.

7 5. At the hearing called pursuant to paragraph 2 of this subsection,
8 the governing body shall consider the comments of the board of supervisors,
9 hear those who appear for and against the proposed change and determine
10 whether the proposed change will promote the public health, comfort,
11 convenience, necessity or welfare. If the governing body determines that the
12 public health, comfort, convenience, necessity or welfare will be promoted,
13 it shall approve the impact statement and authorize the persons proposing the
14 change to circulate petitions as provided in this subsection. The order of
15 the governing body shall be final, but if the request to circulate petitions
16 is denied, a subsequent request for a similar change may be refiled with the
17 governing body after six months from the date of such denial.

18 6. A person aggrieved by a decision of the governing body under this
19 section may appeal to the board of supervisors of the county in which the
20 district, or a majority of the district, is located, and a person aggrieved
21 by a decision of the board of supervisors may appeal to the superior court
22 in the county in the manner prescribed by title 12, chapter 7, article 6 and
23 by posting a bond equal to the probable costs conditioned that the appellant
24 will prosecute his appeal and will pay all costs that accrue in the court if
25 a judgment is rendered affirming the decision of the board of
26 supervisors. The court shall require the district governing body to pay all
27 costs that accrue in the court, including reasonable attorney fees, and the
28 bond shall be returned to the appellant, if a judgment is rendered in favor
29 of the appellant.

30 7. After receiving the approval of the governing body as provided in
31 paragraph 5 of this subsection and provided no appeal filed pursuant to
32 paragraph 6 of this subsection remains unresolved, the person proposing the
33 change may circulate and present petitions to the governing body of the
34 district.

35 8. Within fifteen days after receiving the approval of the governing
36 body as prescribed by paragraph 5 of this subsection and after any appeal
37 filed pursuant to paragraph 6 of this subsection has been resolved, the clerk
38 of the board shall determine the minimum number of signatures required to
39 comply with paragraph 9, subdivision (d) of this subsection. After making
40 that determination, that number of signatures shall remain fixed,
41 notwithstanding any subsequent changes in the voter registration records.

42 9. The petitions presented pursuant to paragraph 7 of this subsection
43 shall comply with the provisions regarding petition form in section 48-265
44 and verification in section 48-266 and shall:

1 (a) At all times, contain a LEGAL description of the boundaries of the
2 area to be included within the proposed change and a detailed, accurate map
3 of the area included within the proposed change. No alteration of the
4 described area shall be made after receiving the approval of the governing
5 body as provided in paragraph 5 of this subsection.

6 (b) If a petition of property owners, be signed by more than one-half
7 of the property owners within the boundaries of the proposed change.

8 (c) If a petition of property owners, be signed by persons owning
9 collectively more than one-half of the assessed valuation of the property
10 within the boundaries of the proposed change.

11 (d) If a petition of qualified electors, be signed by more than
12 one-half of the qualified electors within the boundaries of the proposed
13 change.

14 10. On receipt of the petitions, the governing body shall set a day,
15 not fewer than ten nor more than thirty days from that date, for a hearing
16 on the request.

17 11. Prior to the hearing called pursuant to paragraph 10 of this
18 subsection, the board of supervisors shall determine the validity of the
19 petitions presented pursuant to subsection B of this section.

20 12. At the hearing called pursuant to paragraph 10 of this subsection,
21 the governing body shall, if the petitions are valid, order the change to the
22 boundaries. The governing body shall enter its order setting forth its
23 determination in the minutes of the meeting, not later than ten days from the
24 day of the hearing, and a copy of the order shall be sent to the officer in
25 charge of elections and a copy shall be recorded in the county recorder's
26 office. The order of the governing body shall be final, and the proposed
27 change shall be made to the district boundaries thirty days after the
28 governing body votes. An appeal of the order to change the boundaries to the
29 board of supervisors pursuant to paragraph 6 of this subsection must be filed
30 with the board of supervisors during such thirty day period.

31 B. For the purpose of determining the validity of the petitions
32 presented pursuant to subsection A, paragraph 7 of this section:

33 1. Qualified electors shall be those persons qualified to vote
34 pursuant to title 16.

35 2. For the purposes of fulfilling the requirements of subsection A,
36 paragraph 9, subdivisions (b) and (c) of this section, property held in
37 multiple ownership shall be treated as if it had only one property owner, so
38 that the signature of only one of the owners of property held in multiple
39 ownership is required on the boundary change petition.

40 3. The value of property shall be determined as follows:

41 (a) In the case of property assessed by the county assessor, values
42 shall be the same as those shown on the last assessment roll of the county
43 containing such property.

1 (b) In the case of property valued by the department of revenue, the
2 values shall be those determined by the department in the manner provided by
3 law, for municipal assessment purposes. The county assessor and the
4 department of revenue, respectively, shall furnish to the governing body,
5 within twenty days after such a request, a statement in writing showing the
6 owner, the address of each owner and the appraisal or assessment value of
7 properties contained within the area of a proposed change as described in
8 subsection A of this section.

9 4. All petitions circulated shall be returned to the governing body
10 of the district within one year from the date of the approval given by the
11 governing body pursuant to subsection A, paragraph 5 of this section. Any
12 petition returned more than one year from that date is void. If an appeal
13 is filed pursuant to subsection A, paragraph 6 of this section, this time
14 period for gathering signatures is tolled beginning on the date an action is
15 filed in superior court and continuing until the expiration of the time
16 period for any further appeal.

17 C. If the change in the boundaries proposed pursuant to subsection A
18 of this section would result in a withdrawal of territory from an existing
19 district, the petitions shall be approved by the governing body only if the
20 proposed withdrawal would not result in a noncontiguous portion of the
21 district that is less than one square mile in size. If the changes proposed
22 would result in an increase in the territory of the district, the petitions
23 shall be approved by the governing body only if the proposed additions would
24 be contiguous to the existing district as prescribed by section 9-471,
25 subsection H and if the increase in territory does not result in a district
26 that completely surrounds a territory that is in an unincorporated area of
27 the county and that is not included in the district. For purposes of
28 determining whether the addition proposed to be incorporated into the
29 district is contiguous, the addition is deemed contiguous notwithstanding
30 that land owned by or under the jurisdiction of the government of the United
31 States, this state or any political subdivision, other than an incorporated
32 city, intervenes between the proposed addition and the district
33 boundary. Any whole parcel may be added to the district notwithstanding the
34 provisions of section 9-471 regarding minimum size limitations.

35 D. If the impact statement described in subsection A of this section
36 relates to the withdrawal of property from a district, in addition to the
37 other requirements of subsection A of this section, the governing body shall
38 also determine:

39 1. If the district has any existing outstanding bonds or other
40 evidences of indebtedness.

41 2. If those bonds were authorized by an election and issued during the
42 time the property to be withdrawn was lawfully included within the district.

43 E. If the conditions of subsection D of this section are met:

44 1. The property withdrawn from the district shall remain subject to
45 taxes, special assessments or fees levied or collected to meet the contracts

1 and covenants of the bonds. The board of supervisors shall provide for the
2 levy and collection of such taxes, special assessments or fees.

3 2. The governing body shall:

4 (a) Annually determine the amount of special property taxes, special
5 assessments or fees that must be levied and collected from property withdrawn
6 from the district and the mechanism by which such amount is to be collected.

7 (b) Notify the board of supervisors on or before the third Monday in
8 July of the amount determined in subdivision (a) of this paragraph.

9 3. Property withdrawn from an existing district shall not be subject
10 to any further taxes, special assessments or fees arising from the
11 indebtedness of such district except as provided in this subsection.

12 F. If the statement described in subsection A, paragraph 1 of this
13 section requests the annexation of property located within an incorporated
14 city or town, in addition to the other requirements of subsection A of this
15 section, the governing body shall approve the district boundary change impact
16 statement and authorize the circulation of petitions only if the governing
17 body of the city or town has by ordinance or resolution endorsed such
18 annexation and such annexation is authorized pursuant to this title.

19 G. Except as provided in subsection C of this section and section
20 48-2002, no change in the boundaries of a district pursuant to this section
21 shall result in a district which contains area that is not contiguous.

22 H. Notwithstanding subsection A of this section, any property owner
23 whose land is within a county that contains a sanitary district or fire
24 district and whose land is adjacent to the boundaries of the sanitary
25 district or fire district may request in writing that the governing body of
26 the district amend the district boundaries to include that property owner's
27 land. A REQUEST MADE PURSUANT TO THIS SUBSECTION SHALL BE MADE BEFORE THE
28 COUNTY BOARD OF SUPERVISORS ORDERS THE CREATION OF A PROPOSED NEW DISTRICT
29 OF THE SAME TYPE OR THE DISTRICT GOVERNING BODY ORDERS THE ANNEXATION BY A
30 DISTRICT OF THE SAME TYPE IN WHICH THE PROPERTY OWNER'S LAND IS PROPOSED FOR
31 INCLUSION AND FOR WHICH PETITIONS ARE BEING CIRCULATED. If the governing
32 body determines that the inclusion of that property will benefit the district
33 and the property owner, the boundary change may be made by order of the
34 governing body and is final on the recording of the governing body's order
35 that includes a LEGAL description of the property that is added to the
36 district. IF THE GOVERNING BODY DOES NOT ORDER THE BOUNDARY CHANGE, THE LAND
37 SHALL BE INCLUDED IN THE BOUNDARIES OF THE PROPOSED NEW DISTRICT OF THE SAME
38 TYPE OR ANNEXATION BY A DISTRICT OF THE SAME TYPE IN WHICH THE PROPERTY
39 OWNER'S LAND IS PROPOSED FOR INCLUSION AND FOR WHICH PETITIONS ARE BEING
40 CIRCULATED. A petition and impact statement are not required for an
41 amendment to a sanitary district's or fire district's boundaries made
42 pursuant to this subsection.

43 I. A FIRE DISTRICT SHALL NOT ANNEX OR OTHERWISE ADD TERRITORY THAT IS
44 ALREADY INCLUDED IN ANOTHER EXISTING FIRE DISTRICT, UNLESS DEANNEXED PURSUANT
45 TO SUBSECTIONS C, D AND E OF THIS SECTION.

1 ~~F.~~ J. For THE purposes of this section:

2 1. ~~"Assessed valuation"~~ does not include the assessed valuation of
3 property that is owned by a county.

4 2. ~~"Property owner"~~ does not include a county.

5 Sec. 3. Section 48-263, Arizona Revised Statutes, is amended to read:

6 48-263. Special taxing district impact statement; district
7 creation; district boundary change; bond requirement

8 A. Notwithstanding any other special taxing district organization or
9 boundary change requirements, a special taxing district impact statement is
10 required for each antioxious weed district, pest control district,
11 recreation center district, special road district, pest abatement district
12 and irrigation water delivery district, as follows:

13 1. In the case of a special taxing district formation proposal and
14 before the circulation of organization petitions otherwise required, the
15 special taxing district impact statement and hearing requirements pursuant
16 to section 48-261, subsection A, paragraphs 1 through 4 ~~5~~ and section
17 ~~48-261~~, subsections C, D and E shall first be complied with.

18 2. In the case of a proposed special taxing district boundary change
19 to an existing district and before the circulation of any boundary change
20 petitions otherwise required, the boundary change impact statement and
21 hearing requirements pursuant to section 48-262, subsection A, paragraphs 1
22 through 5 and section ~~48-262~~, subsections D and F shall first be complied
23 with.

24 B. The board of supervisors may require the person desiring to propose
25 creation of a special taxing district in subsection A of this section to post
26 a reasonable bond to be filed with the board, in accordance with section
27 48-261, subsection C.

28 Sec. 4. Section 48-265, Arizona Revised Statutes, is amended to read:

29 48-265. Petitions; form; verification of signatures

30 A. A petition of registered voters that is submitted to comply with
31 section 48-261, subsection A, paragraph 6 ~~7~~, subdivision (d) or section
32 48-262, subsection A, paragraph 8 shall be in a form substantially similar
33 to the form required by sections 19-101, 19-112 and 19-121 and shall be
34 revised to apply to a petition regarding a district that is governed by this
35 article. The petition shall contain a heading that clearly identifies the
36 type of petition circulated and a statement that clearly describes the type
37 of action being proposed. A petition form that is approved by the secretary
38 of state satisfies the form requirements of this section.

39 B. The board of supervisors or other governing body of a political
40 subdivision that receives a petition of registered voters pursuant to this
41 section shall submit a facsimile copy of the signature sheets to the county
42 recorder for verification. The county recorder shall conduct a signature
43 verification that is substantially similar to the verification required by
44 title 19, chapter 1. If the minimum number of signatures required is fewer
45 than two hundred, the county recorder may follow either a verification

1 procedure that is substantially similar to the verification procedure
2 prescribed by title 19, chapter 1 or a verification procedure that is
3 substantially similar to the verification procedure prescribed by section
4 19-208.02. The county recorder shall report the result of the verification
5 to the board of supervisors or other governing body within ten days,
6 excluding Saturdays, Sundays and other legal holidays, after receiving the
7 copy of the signature sheets.

8 Sec. 5. Section 48-266, Arizona Revised Statutes, is amended to read:
9 48-266. Petitions of property owners; form; verification

10 A. A petition of property owners that is submitted to comply with
11 section 48-261, subsection A, paragraph 6- 7, subdivisions (b) and (c) or
12 section 48-262, subsection A, paragraph 8 shall contain a heading that
13 clearly identifies the type of petition circulated and a statement that
14 clearly describes the type of action being proposed. The petition shall be
15 in a form similar to the form required by sections 19-101, 19-112 and 19-121
16 except that the petition shall not refer to a circulator and it shall not
17 require an affidavit of circulator.

18 B. The board of supervisors or other governing body of a political
19 subdivision that receives a petition pursuant to this section shall submit
20 a copy of the signature sheets to the county assessor for verification. The
21 county assessor shall:

22 1. Verify that the petition contains the names of more than one-half
23 of the property owners in the area of the proposed district.

24 2. Determine the total assessed valuation of the property owned by the
25 persons whose names are signed on the petition.

26 C. The county assessor shall report the results of the verification
27 to the board of supervisors or other governing body within ten days after
28 receiving the copy of the signature sheets, not including Saturdays, Sundays
29 and other legal holidays.

30 Sec. 6. Section 48-805, Arizona Revised Statutes, is amended to read:
31 48-805. Fire district; powers and duties

32 A. A fire district, through its board or elected chief and
33 secretary-treasurer, shall:

34 1. Hold public meetings at least once each calendar month.

35 2. Prepare an annual budget containing detailed estimated expenditures
36 for each fiscal year which shall clearly show salaries payable to employees
37 of the district, including the elected or appointed chief. The budget shall
38 be posted in three public places and published in a newspaper of general
39 circulation in the district thirty days prior to a public hearing at a
40 meeting called by the board or elected chief to adopt the budget. Copies of
41 the budget shall also be available to members of the public upon written
42 request to the district. Following the public hearing, the district board
43 or elected chief and secretary-treasurer shall adopt a budget.

44 3. Determine the compensation payable to district personnel.

1 4. Require applicants for a paid sworn firefighter position or a
2 reserve firefighter position to submit a full set of fingerprints to the fire
3 district. The fire district shall submit the fingerprints to the department
4 of public safety for the purpose of obtaining a state and federal criminal
5 records check pursuant to section 41-1750 and Public Law 92-544. The
6 department of public safety may exchange this fingerprint data with the
7 federal bureau of investigation.

8 B. A fire district, through its board or elected fire chief and
9 secretary-treasurer, may:

10 1. Employ any personnel and provide services deemed necessary for fire
11 protection, for preservation of life and for carrying out its other powers
12 and duties, INCLUDING PROVIDING AMBULANCE TRANSPORTATION SERVICES WHEN
13 AUTHORIZED TO DO SO PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2, but a
14 member of a district board shall not be an employee of the district.

15 2. Construct, purchase, lease, lease-purchase or otherwise acquire the
16 following or any interest therein and, in connection with such construction
17 or other acquisition, purchase, lease, lease-purchase or grant a lien on any
18 or all of its present or future property including:

19 (a) Apparatus, water and rescue equipment including ambulances and
20 equipment related to any of the foregoing.

21 (b) Land and buildings with equipment and furnishings to house
22 equipment and personnel necessary for fire protection and preservation of
23 life.

24 3. Finance the acquisition of property as provided in this section and
25 costs incurred in connection with the issuance of bonds and request the
26 issuance of bonds by the board of supervisors of the county in which the fire
27 district is located as provided in section 48-806. Bonds shall not be issued
28 without the consent of a majority of the electors of the district voting at
29 an election held for that purpose. For the purposes of an election held
30 under this paragraph, all persons who are eligible to vote in fire district
31 elections under section 48-802 and who are owners of real property in the
32 district are eligible to vote.

33 4. Assist the state fire marshal in the enforcement of fire protection
34 standards of this state within the fire district including enforcement of the
35 uniform fire code when expressly authorized by the state fire marshal.

36 5. After the approval of the qualified electors of the fire district
37 voting at a regular district election or at a special election called for
38 such purpose by the board of supervisors or at any election held in the
39 county which encompasses the fire district, adopt the uniform fire code,
40 which is a nationally recognized fire code approved by the state fire
41 marshal. The words appearing upon the ballots shall be "Should
42 _____ fire district adopt the uniform fire code, which is a
43 nationally recognized fire code approved by the state fire marshal--yes",
44 "Should _____ fire district adopt the uniform fire code, which is
45 a nationally recognized fire code approved by the state fire marshal--no".

1 Such code shall be enforced by the county attorney in the same manner as any
2 other law or ordinance of the county. Any inspection or enforcement costs
3 are the responsibility of the fire district involved. The district shall
4 keep on file such code which shall be open to public inspection for a period
5 of thirty days prior to any election for the purpose of adopting a fire code.

6 6. Amend or revise the adopted fire code with the approval of the
7 state fire marshal and after a hearing held pursuant to posted and published
8 notice as prescribed by subsection A, paragraph 2 of this section. The
9 district shall keep three copies of the adopted code, amendments and
10 revisions on file for public inspection.

11 7. Enter into an agreement procuring the services of an organized
12 private fire protection company or a fire department of a neighboring city,
13 town, district or settlement without impairing the powers granted to it.

14 8. Contract with a city or town for fire protection services for all
15 or part of the city or town area until the city or town elects to provide
16 regular fire department services to the area.

17 9. Retain a certified public accountant to perform an annual audit of
18 district books.

19 10. Retain private legal counsel.

20 11. Accept gifts, contributions, bequests and grants and comply with
21 any requirements of such gifts, contributions, bequests and grants not
22 inconsistent with this article.

23 12. Enter into contracts and execute any agreements or instruments and
24 do any other act necessary or appropriate to carry out its purposes.

25 13. Appropriate and expend annually such monies as are necessary for
26 the purpose of fire districts belonging to and paying dues in the Arizona
27 fire district association.

28 14. Adopt resolutions establishing fee schedules for providing fire
29 protection services and services for the preservation of life including
30 emergency fire and emergency medical services, plan reviews, standby charges,
31 fire cause determination, users' fees, facilities benefit assessments or any
32 other fee schedule that may be required.

33 15. AFTER THE APPROVAL OF THE QUALIFIED ELECTORS OF THE FIRE DISTRICT
34 VOTING AT A REGULAR DISTRICT ELECTION OR AT A SPECIAL ELECTION CALLED FOR
35 SUCH PURPOSE BY THE BOARD OF SUPERVISORS OR AT ANY ELECTION HELD IN THE
36 COUNTY WHICH ENCOMPASSES THE FIRE DISTRICT, CHANGE ITS NAME.

37 C. The chairman and clerk of the district board or their respective
38 designees or the elected chief and secretary-treasurer, as applicable, shall
39 draw warrants on the county treasurer for money required to operate the
40 district in accordance with the budget and, as so drawn, the warrants shall
41 be sufficient to authorize the county treasurer to pay from the fire district
42 fund.

43 D. The district shall not incur any debt or liability in excess of
44 taxes levied and to be collected and the money actually available and

1 unencumbered at the time in the fund, except as provided in subsection B,
2 paragraph 2 of this section and in sections 48-806 and 48-807.

3 E. The county attorney may advise and represent the district when in
4 the county attorney's judgment such advice and representation are appropriate
5 and not in conflict with the county attorney's duties under section 11-532.
6 If the county attorney is unable to advise and represent the district due to
7 a conflict of interest, the district may retain private legal counsel or may
8 request the attorney general to represent it, or both.

APPROVED BY THE GOVERNOR MAY 1, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2003.

Passed the House March 5, 2003,

Passed the Senate April 15, 2003,

by the following vote: 55 Ayes,

by the following vote: 28 Ayes,

0 Nays, 5 Not Voting

1 Nays, 1 Not Voting

John H. Flake
Speaker of the House
Norman L. Foye
Chief Clerk of the House

Ken Bennett
President of the Senate
Norma Chastain
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2370

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 28, 2003,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House
Norman L. Fyore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28 day of April, 2003,

at 2:30 o'clock P. M.

Andrea Camisey
Secretary to the Governor

Approved this 1 day of

May, 2003,

at 5:00 o'clock P. M.

Jon R. Norht
Governor of Arizona

H.B. 2370

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of May, 2003,

at 3:32 o'clock P. M.

Janice L. Brewer
Secretary of State